

RICKY JOE USREY,) CV 12-92-H-DLC-RKS
)
)
Plaintiff,)
)
)
vs.) ORDER
)
)
DENISE DEYOTT, MIKE FERRITER,)
)
MONTANA STATE PRISON)
MAILROOM STAFF,)
)
)
Defendants.)
)
)

Clerk, U.S. District Court
District Of Montana
Missoula

-1-

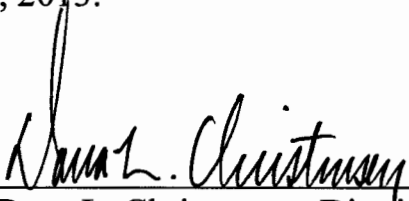
McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Usrey alleges the Defendants violated his constitutional rights by destroying his mail. Judge Strong found the allegations state a claim for relief as to Defendant Deyott as to the First Amendment claim but not the Fourteenth Amendment claim. However, he found that Usrey fails to state a claim for relief as to Defendant “mailroom staff” and Defendant Mike Ferriter. After a review of Judge Strong’s Findings and Recommendation, I find no clear error. Accordingly,

IT IS HEREBY ORDERED that Judge Strong’s Findings and Recommendation (doc. 7) are adopted in full.

IT IS FURTHER ORDERED that due process claims against Defendant Deyott are DISMISSED. Defendants Ferriter and the mailroom staff are DISMISSED.

DATED this 22nd day of January, 2013.



Dana L. Christensen, District Judge
United States District Court